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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

X CORP.,

Plaintiff,

v.

BRIGHT DATA LTD,

Defendant.

Case No. 3:23-CV-03698-WHA
Hon. William H. Alsup
Courtroom 12 – 19th Floor
March 28, 2024, 8:00 a.m.

BRIGHT DATA’S STATEMENT OF RECENT DECISION

Bright Data submits this Statement of Recent Decision concerning the Supreme Court’s decision yesterday in *Wilkinson v. Garland*, 2024 WL 1160995 (Mar. 19, 2024). (Attached Ex. 1). In opposition to Bright Data’s motion for interlocutory appeal, X argues that the interpretation and application of Shopify is not a “question of law,” for purposes of Section 1292(b), but rather “a mixed question of law and fact ... by itself is not appropriate for permissive interlocutory review.” ECF 74 at 3. In *Wilkinson*, however, the Supreme Court held where a statute limited appellate jurisdiction to “questions of law”, 8 U.S.C. 1252(a)(2)(D), that “[m]ixed questions of

1 law and fact, even when they are primarily factual, fall within the statutory definition of ‘questions
2 of law.’” 2024 WL 1160995, at *9. *Wilkinson*, therefore, disposes of X’s argument.

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4 Dated: March 20, 2024

Respectfully submitted,

5 /s/ Colin R. Kass

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